

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **8:10ML2151 JVS (FMOx)** Date April 6, 2011

Title **IN RE: TOYOTA MOTOR CORP. UNINTENDED
ACCELERATION MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**

Present: The James V. Selna
Honorable

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order re Toyota's Cross-Motion

On April 1, 2011, the Toyota defendants filed a pleading styled Notice of Cross-Motion and Cross-Motion for Choice-of-Law Determination as to All Economic Loss Cases and Plaintiffs Before This Court.¹ (Docket No. 1203.) This is contrary to the development and briefing of the choice of law issue in the Court's Order re Choice-of-Law Proceedings. (Docket No. 601.) The Court's Order, entered upon stipulation of the parties, contemplated that Plaintiffs would file a single motion "for the application of California law to their claims and the claims of the nationwide Classes they seek to represent." (*Id.*, § II.) The briefing schedule and page limitations were predicated on that scope.

To the extent that Toyota's Cross-Motion seeks different relief, the Court orders the Motion off calendar. Certainly, if Plaintiffs' choice-of-law motion fails, the application of each jurisdiction's law would be one approach, but that it not the only logical way to proceed. In the interim, the Plaintiffs should not be diverted in their reply brief from supporting their theory that California law is applicable.

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¹The supporting brief supports the Toyota Defendants Cross Motion and stands as their response to Plaintiffs' Choice-of-Law Motion.